

IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

DISCOVER BANK (DISCOVER CARD))
BY SA Discover Financial Services, Inc.)

Plaintiff,)

vs.)

TRACY G. GRASZ,)

Defendant.)



No. CS-2002-1340

STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }
FILED In The
Office of the Court Clerk

JUL 27 2007

DOCKET PAGE RECORDED
Rhonda Hall Court Clerk
[Signature] DEPUTY

MOTION FOR ORDER TO RELEASE JUDGMENT LIEN

COMES, now Tracy Grasz, Defendant herein, and respectfully moves the Court to issue an Order to the county clerk to release the judgment lien of Plaintiff.

In support of this motion, the Defendant would show the Journal Entry of Judgment was filed in the instant case on May 13, 2003. The Plaintiff caused to be filed with the County Clerk a Statement of Judgment on the 30th day of May, 2003, DOC # M 2003-3013, filed in Book M 55 at Page 1086 (see Exhibit1).

On or about December 30, 2003, the Defendant filed for bankruptcy relief under Chapter 7, of Title 11, United States Code, in the United States Bankruptcy Court, Western District of Oklahoma, in Case No. BK-03-24132-WV. The debt owed to Plaintiff was listed in the Defendant's bankruptcy schedules (See Exhibit 2). No objection to the Defendant's discharge was filed in the bankruptcy proceeding by the Plaintiff herein and the debt was discharged on April 13, 2004 (See Exhibit 3). The Discharge of Debtor issued by the bankruptcy court states,

"IT IS ORDERED THAT:

1. The above-named debtor(s) is (are) released from all dischargeable debts.



2. Any judgment heretofore or hereafter obtained in any court other than this court is null and void as a determination of the personal liability of the debtor with respect to any of the following:
 - (a) debts dischargeable under 11 U.S.C. §523;.... and
3. All creditors whose debts are discharged by this order and all creditors whose judgments are declared null and void by paragraph 2 above are enjoined from instituting or continuing any action or employing any process or engaging in any act to collect such debts as personal liabilities of the above-named debtor

The debt to the Plaintiff no longer exists and cannot be enforced against the Defendant however, no release of judgment was filed with the County clerk. The only purpose in willfully failing to release the judgment lien is an attempt to force the Defendant to pay a debt he does not owe (unless determined otherwise by the bankruptcy court) and cannot be collected from the Defendant in accordance with the bankruptcy discharge.

The Defendant has requested the judgment lien be released and Plaintiff has failed to do so. The Defendant moves the court for an order to release the judgment lien pursuant to 12 O.S. § 706 D(2) which provides "The lien of any judgment which has been satisfied by payment *or otherwise discharged* and which has not been released by the judgment creditor shall be released by the court upon written motion." Said judgment lien clouds title to the residential real estate owned by the Defendant and should be released as the debt is not enforceable against the Defendant.

WHEREFORE, for good cause shown, the Defendant moves the Court for an order releasing the judgment lien as set forth above.

RESPECTFULLY SUBMITTED,


JACK TRACY, OBA #11716

201 W. Main Street

Purcell, OK 73080

Telephone: (405) 527-5571

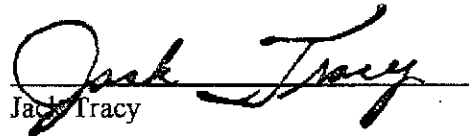
Facsimile: (405) 527-2557

CERTIFICATE OF MAILING

This will certify that a true and correct copy of the above and foregoing motion was mailed via 1st Class Mail, postage prepaid thereon, this 26th day of July, 2007, to:

Stephen L. Bruce.
204 N. Robinson, Suite 1100
Oklahoma City, OK 73102

Discover Bank (Discover Card)
P.O. Box 8003
Hillard, OH 43026-8003


Jack Tracy

NOTICE TO JUDGMENT CREDITOR

You are hereby given notice that, if you do not file with the court a response or objection to the above and foregoing motion within fifteen (15) days) after the mailing of a copy of the motion, the court will order the judgment lien released.

AFFIDAVIT

STATE OF OKLAHOMA)
) ss:
County of McClain)

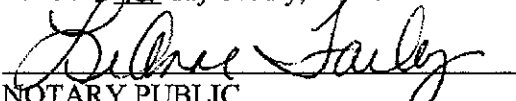
I, Tracy Grasz, being first duly sworn upon my oath, state:

1. That I am the Defendant herein;
2. The Journal Entry of Judgment was filed in the instant case on May 13, 2003;
3. The Plaintiff caused to be filed with the County Clerk a Statement of Judgment on the on the 30th day of May, 2003, DOC # M 2003-3013, filed in Book M 55 at Page 1086 (see Exhibit 1).
4. On or about December 30, 2003, I filled for bankruptcy relief under Chapter 7, of Title 11, United States Code, in the United States Bankruptcy Court, Western District of Oklahoma, in Case No. BK-03-24132-WV. The debt owed to Plaintiff was listed in the bankruptcy schedules (See Exhibit 2).
5. No objection to the Defendant's discharge was filed in the bankruptcy proceeding by the Plaintiff herein and the debt was discharged on April 13, 2004 (See Exhibit 3).
6. Through counsel, I have requested that the judgment lien be released as the debt to Plaintiff was discharged and no longer existed after April 13, 2004;
7. That I have attempted to obtain financing on my real property and the existence of the lien has clouded the title to my property;

AFFIANT SAYETH NOT FURTHER!


TRACY G. GRASZ

Subscribed and sworn to before me on this the 26th day of July, 2007.


NOTARY PUBLIC
Commission No.: 03007622

My Commission Expires: May 28, 2011

05/18/2006 09:30 40 60-6073

CCA

PAGE 09/11

Filed: 05-30-2003 08:55:06 AM Doc Number: M 2003 3013

Book: M 55 Page: 1086

STATE OF OKLAHOMA
STATEMENT OF JUDGMENTSTATE OF OKLAHOMA)
OKLAHOMA COUNTY) ss.Doc# M 2003 3013
Book# M 55 1086
Filed: 05-30-2003 AMT
08:55:06 AM RJ
Cleveland County, OK

I, Stephen L. Bruce, of lawful age, being first duly sworn, depose and say:

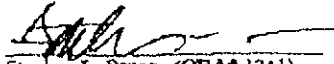
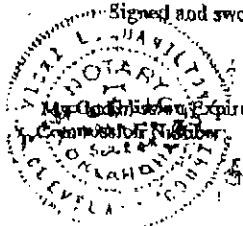
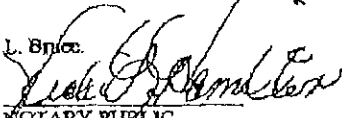
1 That on May 13, 2003 judgment was rendered in Case No. CS-2002-1340 in the District Court of CLEVELAND County DISCOVER BANK (DISCOVER CARD) by 9A Discover Fin. Serv. Inc. vs TRACY GRASZ as follows:

IN FAVOR OF	Against	AMOUNT-Call atty for current balance.
DISCOVER BANK (DISCOVER CARD)	TRACY GRASZ	\$ 11416.28

2. That judgment was filed with the CLEVELAND County Court Clerk on May 13, 2003.

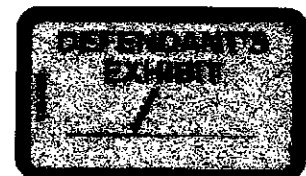
3. That the county clerk shall enter on the judgment index a statement based on this information, in compliance with 12 O.S. Supp.1993 Sec. 706.

4. That the name and address of the judgment creditor is:

DISCOVER BANK (DISCOVER CARD) P.O. Box 8003 Millard OH 43026-8003
Further, your affiant says: not.Return to ->
Direct Inquiries to ->
REF # 14306

 Stephen L. Bruce (OBA# 1241)
 Attorneys for Plaintiff
 204 N. Robinson, Suite 1100
 Oklahoma City, OK 73102
 (405) 237-2225
Signed and sworn to before me on 5/14/03 by Stephen L. Bruce.

 NOTARY PUBLIC

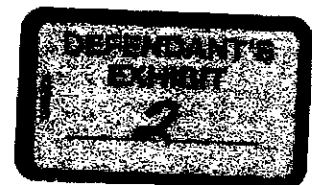
14306

Cleveland County Clerk's Office



(Official Form 17 (12/03))

FORM B1 United States Bankruptcy Court Western District of Oklahoma		Voluntary Petition																		
Name of Debtor (if individual, enter Last, First, Middle): GRASZ, TRACY GLEN	Name of Joint Debtor (Spouse)(Last, First, Middle):																			
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):																			
Last four digits of Soc. Sec. No. / Complete EIN or other Tax I.D. No. (if more than one, state all): 2522	Last four digits of Soc. Sec. No. / Complete EIN or other Tax I.D. No. (if more than one, state all):																			
Street Address of Debtor (No. & Street, City, State & Zip Code): 17551 96 Street Lexington, OK 73051	Street Address of Joint Debtor (No. & Street, City, State & Zip Code): <div style="font-size: 2em; font-weight: bold; text-align: center;">03-24132 WV</div>																			
County of Residence or of the Principal Place of Business: Cleveland	County of Residence or of the Principal Place of Business:																			
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):																			
Location of Principal Assets of Business Debtor (if different from street address above):	<div style="font-size: 2em; font-weight: bold; text-align: center;">03-24132 WV</div>																			
Information Regarding the Debtor (Check the Applicable Boxes)																				
Venue (Check any applicable box) <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.																				
Type of Debtor (Check all boxes that apply) <input checked="" type="checkbox"/> Individual(s) <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other <div style="margin-left: 20px;"> <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank </div>	Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13																			
Nature of Debts (Check one box) <input checked="" type="checkbox"/> Consumer/Non-Business <input type="checkbox"/> Business	Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee Attached <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.																			
Chapter 11 Small Business (Check all boxes that apply) <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101 <input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)																				
Statistical/Administrative Information (Estimates only) <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.		THIS SPACE IS FOR COURT USE ONLY <div style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED</div> <div style="text-align: center;">2003 DEC 30 A 9:37</div> <div style="text-align: center; font-size: 0.8em;">U.S. BANKRUPTCY COURT WESTERN DISTRICT OF OK</div>																		
<table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.8em;"> <tr> <th style="text-align: left;">Estimated Number of Creditors</th> <th>1-15</th> <th>16-19</th> <th>20-99</th> <th>100-199</th> <th>200-999</th> <th>1000-over</th> </tr> <tr> <td></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>		Estimated Number of Creditors	1-15	16-19	20-99	100-199	200-999	1000-over		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Estimated Number of Creditors	1-15	16-19	20-99	100-199	200-999	1000-over														
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
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Estimated Assets	\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million												
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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												



JAN 22 2004

FILED

JAN 21 2004

GRANT PRICE
CLERK, U.S. BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA
DEPUTYUnited States Bankruptcy Court
Western District of Oklahoma

In re TRACY GLEN GRASZ

Case No. 03-24132WV

Chapter 7

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts from Schedules D, E and F to determine the total amount of the debtor's liabilities.

AMOUNTS SCHEDULED					
NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	YES	1	\$ 0.00		
B - Personal Property	YES	3	\$ 182,300.00		
C - Property Claimed as Exempt	YES	1			
D - Creditors Holding Secured Claims	YES	1		\$ 11,012.82	
E - Creditors Holding Unsecured Priority Claims	YES	3		\$ 0.00	
F - Creditors Holding Unsecured Nonpriority Claims	YES	3		\$ 30,247.33	
G - Executory Contracts and Unexpired Leases	YES	1			
H - Codebtors	YES	1			
I - Current Income of Individual Debtor(s)	YES	1			\$ 100.00
J - Current Expenditures of Individual Debtor(s)	YES	1			\$ 100.00
Total Number of sheets in ALL Schedules >		16			
Total Assets >			\$ 182,300.00		
Total Liabilities >				\$ 41,260.15	

In re: **TRACY GLEN GRASZ**

Debtor

Case No. **03-24132WV**

(If known)

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests. List creditors in alphabetical order to the extent practicable. If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions, above.)	CODEBTOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO. 6011-0087-2000-4430 DISCOVER BANK PO BOX 30395 SALT LAKE CITY UT 84130-0395		05/13/2003 Judgment Lien Credit Card Expense VALUE \$0.00				9,879.50	0,879.50
STEPHEN L. BRUCE BRANDI L DOTSON 204 N ROBINSON #1100 OKLAHOMA CITY OK 73102							
ACCOUNT NO. Unknown SEARS ROEBUCK & CO PO BOX 3671 DES MOINES IA 50322		03/03/2003 Judgment Lien Credit Card Expense VALUE \$0.00				1,133.26	1,133.26
LOVE BEAL & NIXON PC PO BOX 32738 OKLAHOMA CITY OK 73123							

Continuation sheets attached

Sub-total
(Total of this page)
Total
(Use only on last page)

\$11,012.82**\$11,012.82**

(Report total also on Summary of Schedules)

APR 16 2004

(Form 15)

FILED
04/13/04UNITED STATES BANKRUPTCY COURT
Western District of OklahomaGrant Price, Clerk
U.S. Bankruptcy Court
West. Dist. of Oklahoma
by: ad

In re: Tracy Glen Grasz

Case No.: 03 - 24132

Jack F. Tracy
Blythe Tracy & Associates
201 W. Main
Purcell, OK 73080

DISCHARGE OF DEBTOR

It appearing that a petition commencing a case under title 11, United States Code, was filed by or against the person named above on 12/30/03, and that an order for relief was entered under chapter 7 and that no complaint objecting to the discharge of the debtor was filed within the time fixed by the court [or that a complaint objecting to discharge of the debtor was filed and, after due notice and hearing, was not sustained];

IT IS ORDERED THAT:

1. The above-named debtor(s) is(are) released from all dischargeable debts.
2. Any judgment heretofore or hereafter obtained in any court other than this court is null and void as a determination of the personal liability of the debtor with respect to any of the following:
 - (a) debts dischargeable under 11 U.S.C. Sec. 523;
 - (b) unless heretofore or hereafter determined by order of this court to be nondischargeable, debts alleged to be excepted from discharge under clauses (2), (4), (6) and (15) of 11 U.S.C. Sec. 523(a);
 - (c) debts determined by this court to be discharged.
3. All creditors whose debts are discharged by this order and all creditors whose judgments are declared null and void by paragraph 2 above are enjoined from instituting or continuing any action or employing any process or engaging in any act to collect such debts as personal liabilities of the above-named debtor.

Dated: 04/13/04

BY THE COURT

T.M. Weaver

(rev. 1-97)

T.M. Weaver
United States Bankruptcy Judge

UNITED STATES DISTRICT COURT
CLERK
HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT AND COMPLETE COPY
OF THE INSTRUMENT HEREWITH SET OUT AS IT
APPEARS ON RECORD IN THE COURT CLERK'S
OFFICE OF CLEVELAND COUNTY, OKLAHOMA
WITNESS MY HAND AND SEAL THIS 22 DAY
OF October, 2010.
Rhonda Hall, COURT CLERK
DEPUTY

